

FIFTY-FIFTH DAY  
(Thursday, April 17, 1975)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKnight.

A quorum was announced present.

The Reverend Walter W. Harms, Bethany Lutheran Church, Austin, Texas, offered the invocation as follows:

"This is the day that the Lord has made'  
Let us rejoice and be glad in it."

The Fear of the Lord is the beginning of wisdom.

Most gracious and loving heavenly Father, as we Your servants gather together this day to conduct the affairs of the government of this state, we turn to You in thankfulness for the positions You have given us of leadership. But we are not just leaders, we are also servants so we ask that You would give us the spirit of humility and patience that we may to the best of our God-given ability serve the citizens of this state, that in harmony and peace they may live and work and prosper.

Preserve us from all the temptations to arrogance, pride and self-seeking. Keep far from us this day all threats to our bodies, souls, and minds which would prevent us from working as people of God in the work You have given us here.

We pray also for our families near and far. Watch over these people who are dear to us. Protect them from all harm and give them a good day.

Grant to all in authority wisdom and leadership to the praise and honor of Your holy Name and the prosperity of our country and this land.

All the thoughts of this day, all the desires of our hearts, all our secret ambitions, receive O Lord, and make clean through Jesus Christ in whose Name we pray. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**LEAVE OF ABSENCE**

Senator McKnight was granted leave of absence for today on account of illness on motion of Senator Moore.

**REPORTS OF STANDING COMMITTEES**

Senator Snelson submitted the following reports for the Committee on Intergovernmental Relations:

**H.B. 1633 (Amended)**

**H.B. 331**

**H.B. 654**  
**H.B. 328**  
**H.B. 322**  
**S.B. 982** (Amended)  
**S.B. 502** (Amended)

Senator Sherman submitted the following reports for the Committee on Natural Resources:

**S.B. 1003**  
**H.B. 508**  
**H.B. 1045**  
**S.B. 616** (Amended)  
**S.B. 726**  
**C.S.S.B. 55** (Read first time)  
**C.S.S.B. 728** (Read first time)  
**C.S.S.B. 17** (Read first time)  
**C.S.S.B. 851** (Read first time)

Senator Moore submitted the following reports for the Committee on State Affairs:

**S.B. 1041**  
**S.B. 909**  
**S.B. 432**  
**C.S.S.B. 746** (Read first time)  
**S.B. 885**

Senator Schwartz submitted the following reports for the Committee on Jurisprudence:

**S.B. 1010**  
**S.B. 956**  
**S.B. 828**  
**S.B. 479**  
**S.B. 274**  
**S.B. 422**  
**S.B. 495**  
**H.B. 919**  
**H.B. 253**  
**C.S.S.B. 163** (Read first time)  
**C.S.S.B. 829** (Read first time)

#### **SENATE BILLS AND RESOLUTIONS ON FIRST READING**

By unanimous consent the following bills and resolutions were introduced, read first time and referred to the Committee indicated:

By Senator Schwartz:

**S.B. 1042**, A bill to be entitled An Act relating to the reimbursement of county officials for traveling expenses incurred while performing county business; amending Chapter 234, Acts of the 62nd Legislature, Regular Session, 1971 (Article 2372h-5, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Schwartz:

**S.B. 1043**, A bill to be entitled An Act relating to the compensation of the Criminal District Attorney of Galveston County, amending Section 4, Chapter 124, Acts of the 54th Legislature, Regular Session, 1955, as amended (Article 326k-28, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Sherman:

**S.B. 1044**, A bill to be entitled An Act relating to the issuance and sale of revenue bonds as special obligations of the Hospital District of the City of Amarillo; amending Chapter 136, Acts of the 55th Legislature, Regular Session, 1957, as amended, by adding Section 3A; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Patman:

**S.B. 1045**, A bill to be entitled An Act relating to the creation, establishment, administration, maintenance, operation, and financing of Gonzales County Hospital District of Gonzales County, Texas, by authority of Article IX, Section 9, of the Texas Constitution; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senators Longoria, Ogg and Santiesteban:

**S.B. 1046**, A bill to be entitled An Act relating to the effective implementation of the voting rights of all qualified citizens of the state, and relating to the conduct of elections, and procedures and matter incidental to the holding of elections in this state; containing criminal penalties; amending the following sections of the Texas Election Code, as amended: Section 3 (Article 1.03, Vernon's Texas Election Code) relating to the responsibilities of the Chief Elections Officer of the state; Section 9 (Article 2.01, Vernon's Texas Election Code) relating to opening and closing times of the polls and procedures incidental to election; Section 21(d) (Article 3.07(d) Vernon's Texas Election Code) relating to duties and privileges of watchers; Section 34 (Article 5.02 Vernon's Texas Election Code) relating to qualifications and requirements for voting; Section 328 (Article 15.28 Vernon's Texas Election Code) relating to an election officer dividing the vote of any voter; Section 341 (Article 15.41 Vernon's Texas Election Code) relating to illegal voting; Section 342 (Article 15.42 Vernon's Texas Election Code) relating to instigating illegal voting; Section 343 (Article 15.43 Vernon's Texas Election Code) relating to a voter swearing falsely to his own qualifications or the qualifications of another; Section 344 (Article 15.44 Vernon's Texas Election Code) relating to procuring a voter to falsely swear; Section 349 (Article 15.49 Vernon's Texas Election Code) relating to participating in primary elections or conventions of more than one party; Section 350 (Article 15.50 Vernon's Texas Election Code) relating to voting more than once; Section 361 (Article 15.61 Vernon's Texas Election Code) relating to altering or destroying ballots; Section 362 (Article 15.62 Vernon's Texas Election Code) relating to a messenger or any person trusted with the ballot tampering with the ballot; Section 365 (Article 15.65 Vernon's Texas Election Code) relating to failing to securely keep any ballot box; Section 371 (Article 15.71, Vernon's Texas Election Code) relating to hiring vehicle to convey voters and removing ballots from polling place; by adding new Section 373 relating to compelling any elector to reveal how he voted; by adding a new Section 374 relating to causing an applicant to make a false statement on the voter registration applications; and declaring an emergency.

To Committee on State Affairs.

By Senator McKinnon:

**S.B. 1047**, A bill to be entitled An Act relating to the conduct of elections, the qualifications for voting, and procedures and matters incidental to the holding of

elections in this state; containing criminal penalties; amending the following sections of the Texas Election Code, as amended: Section 33 (Article 5.01, Vernon's Texas Election Code), relating to disqualifications for voting; Section 34 (Article 5.02), relating to qualifications and requirements for voting; Subdivisions 1, 2, 3b, 4, 6, and 15, Section 37 (Article 5.05), relating to absentee voting; Section 37b (Article 5.05b), relating to voting by former residents in presidential elections; Subdivisions 1, 2, and 3, Section 37c (Article 5.05c), relating to voting rights and procedures after a change of residence to another county; Section 37d (Article 5.05d), relating to records of voting by persons lacking full voting rights; Section 42a (Article 5.10a), relating to persons entitled to register; Subdivision 3, Section 50a (Article 5.18a), relating to voting rights and procedures after a change of residence to another county; Section 57 (Article 6.01), relating to placement of names of candidates on the official ballot for an election; Subsections (c), (d), (e), and (f), Section 58 (Article 6.02), relating to the loyalty affidavit required of candidates for public office; Section 61b (Article 6.05b), relating to the order of party columns on the ballot; Subdivisions 2 and 2a, Section 63 (Article 6.07), relating to the publication of notices on proposed constitutional amendments; Paragraph (a), Subdivision 9, Section 80 (Article 7.15), relating to absentee voting where an electronic voting system is used; Subdivision 11, Section 80, relating to the form of the ballot for electronic voting systems; Section 15 of Section 79 (Article 7.14), Subdivision 14 of Section 80 (Article 7.15), Section 95 (Article 8.13), and Section 330 (Article 15.30) relating to assistance to voters in preparing their ballots; and Section 180 (Article 13.02), Subdivision 1, Section 222 (Article 13.45), and Section 231 (Article 13.54), relating to the basis for determining whether a party makes its nominations by primary elections or by conventions, and to the nominating procedures for a party without state organization; repealing the following sections of the Texas Election Code: Section 37a (Article 5.05a), relating to voting by new residents of the state in presidential elections; Section 39 (Article 5.07), relating to residence requirements and other qualifications for voting in city elections; Subdivision 1, Section 222a (Article 13.45a), relating to management of party affairs when parties casting under 200,000 votes for governor made nominations by primary elections; and Section 223 (Article 13.46), relating to the choice of minor parties as to whether to make nominations by conventions or primary elections; and declaring an emergency.

To Committee on State Affairs.

By Senator Gammage:

**S.B. 1048**, A bill to be entitled An Act relating to methods of publicizing proposed amendments revising one or more articles of the Texas Constitution; and declaring an emergency.

To Committee on Texas Constitution.

By Senator Gammage:

**S.C.R. 55**, BE IT RESOLVED by the Senate of Texas, the House of Representatives of Texas concurring, that if the constitutional amendment proposed by **S.J.R. 3**, as passed by the 64th Legislature of the State of Texas, is adopted by a majority vote of the electors voting on the question, at the special election on April 22, 1975, the following nonsubstantive changes, made necessary by adoption of that amendment, are to be made in the transition and conforming change portions of **S.J.R. 11** by Senate Enrolling and Engrossing prior to the enrolling of **S.J.R. 11**:

Section 1. Section 1, Subsection (c), Subdivision (7), Subparagraph (E) is amended to read as follows:

"(E) If Proposition No. 7, General Provisions, is not adopted, Sections 20 [7] and 47 [7, 48a, 48b, 51e, and 51f] of Article III are retained as sections in revised Article III and are appropriately renumbered."

Section 2. Section 1, Subsection (b), Subdivision (6) is amended to read as follows:

"(6) The following is added as Section 68 [67] of Article XVI of the constitution:

"Section 68 [67]. The legislature may pass local or special laws for the preservation of game and fish of this state."

Section 3. Section 2, Subsection (c), Subdivision (10) is revised to read as follows:

"(10) If Proposition No. 7, General Provisions, is not adopted, the following changes are made in the constitution:

"(A) Section 19 of Article XVI is repealed;

"(B) Subdivision (2) of Subsection (b) of Section 67 of Article XVI is amended to read as follows:

"(2) The legislature shall establish by law an Employees Retirement System of Texas to provide benefits for officers and employees of the state and such state-compensated officers and employees of the unified judicial system [appellate courts and judicial districts] as may be included under the system by law."

"(C) Subsection (d) of Section 67 of Article XVI is amended to read as follows:

"(d) Judicial Retirement System. (1) Notwithstanding any other provision of this section, the system of retirement, disability, and survivors' benefits heretofore established in the constitution or by law for justices, judges, and commissioners of the appellate courts and judges of the district and criminal district courts is continued in effect. The legislature shall provide for inclusion in the system of judges of all courts in the unified judicial system. Contributions required and benefits payable are to be as provided by law.

"(2) General administration of the Judicial Retirement System of Texas is by the Board of Trustees of the Employees Retirement System of Texas under such regulations as may be provided by law."

Section 4. Section 7, Subsection (b), Subdivision (2) is amended to read as follows:

"(2) The following transition provisions are added as appropriately numbered, to Section 4 of the transition schedule:

["( ) Article III, Section 48a;]

["( ) Article III, Section 51 c;]

"( ) Article XVI, Section 11--insofar as it authorizes trial de novo for those whose permits have been denied or cancelled by a regulatory agency;

"( ) Article XVI, Sections 12, 33 and 40;

"( ) Article XVI, Section 14;

"( ) Article XVI, Section 26;

"( ) Article XVI, Section 30--insofar as it provides that the duration of all offices not fixed by law or this constitution are not to exceed two years;

"( ) Article XVI, Section 41;

"( ) Article XVI, Section 59, Subsections (d) and (e);

"( ) Article XVI, Section 61;

["( ) Article XVI, Section 62;]

"( ) Article XVI, Section 64;

"( ) Article XVI, Section 65."

Section 5. Section 7, Subsection (c), Subdivision (1) is amended to read as follows:

"(1) Sections 20, 47 [~~48a, 48b, 51 e, 51 f~~], and 62 of Article III of the Constitution of 1876, as amended and as it existed on November 4, 1975, are repealed;"

To Committee on Texas Constitution.

By Senator Schwartz:

**S.R. 418**, Creating an interim committee to study law school admission policies.  
To Committee on Administration.

**MESSAGE FROM THE HOUSE**

Hall of the House of Representatives  
Austin, Texas, April 17, 1975

Honorable William P. Hobby  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

**H.C.R. 90**, Designating May 1, 1975, as Ninety-Nines Day in Texas.

**H.B. 1219**, A bill to be entitled An Act amending Article 3, Subchapter IX, of the Texas Banking Code of 1943, as amended (Article 342-903, Vernon's Texas Civil Statutes), concerning the prohibition against branch banking but authorizing connecting facilities; and declaring an emergency.

**H.B. 292**, A bill to be entitled An Act requiring a certificate of title for transfer of or security interests in motorboats and outboard motors to be issued by Parks and Wildlife Department; amending the Texas Water Safety Act (Article 9206, Vernon's Texas Civil Statutes), by adding certain definitions and changing the requirements for proof of ownership for issuance of certificate of number for a motorboat; and declaring an emergency.

**H.B. 42**, A bill to be entitled An Act relating to authorizing and regulating group marketing of motor vehicle insurance; amending Chapter 21, Texas Insurance Code, by adding Article 21.76; and declaring an emergency.

**H.B. 917**, A bill to be entitled An Act relating to a judge's discretion in a temporary commitment hearing for a mentally ill person; amending Section 38, Texas Mental Health Code, as amended (Article 5547-38, Vernon's Texas Civil Statutes) by adding Subsection (c); and declaring an emergency.

**H.B. 393**, A bill to be entitled An Act amending and reenacting Chapter 279, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 5421z, Vernon's Texas Civil Statutes), relating to the state's trust responsibility respecting Texas Indians; repealing Chapter 277, Acts of the 60th Legislature, Regular Session, 1967 (Article 5421z-1, Vernon's Texas Civil Statutes); and declaring an emergency.

**H.B. 1350**, A bill to be entitled An Act relating to using the Spanish language for licensing examinations; and declaring an emergency.

**H.B. 589**, A bill to be entitled An Act relating to obscenity; providing for a change in the definition of "obscene"; providing for a change in the definition of "harmful material"; amending Section 43.21 and Section 43.24, Penal Code; and declaring an emergency.

**H.B. 827**, A bill to be entitled An Act relating to the authority of certain home-rule cities to issue a temporary permit to a person with an operator's license to operate a taxicab; amending Subsection (b), Section 5, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6687b, Vernon's Texas Civil

Statutes); and declaring an emergency.

**S.B. 306**, A bill to be entitled An Act relating to authority of certain insurance agents to enter into and establish retail charge agreements with certain persons; amending Chapter 12, Title 79, Revised Civil Statutes of Texas, 1925 (Article 5069-12.01, et seq., Vernon's Texas Civil Statutes), by adding Article 12.20; and declaring an emergency. (With amendment)

**S.B. 18**, A bill to be entitled An Act relating to providing Group Life, Accident and Health Insurance and Benefits Coverages on employees of the State of Texas; creating the "Texas Employees Uniform Group Insurance Benefits Act"; defining terms; stating legislative purposes and policies; creating, establishing and vesting authority in a Board of Trustees to administer and carry out the purposes of the Act; providing certain specifications, procedures and practices in regard to providing insurance coverages and benefits; creating the Employees Life, Accident and Health Insurance and Benefits Fund; exempting certain employees from provisions of the Act; providing a repealing clause; making the provisions of this Act severable; and declaring an emergency. (With amendments)

**S.B. 360**, A bill to be entitled An Act amending Texas Education Code; providing for tuition charges to certain nonresident students; and declaring an emergency. (With amendments)

**S.B. 433**, A bill to be entitled An Act relating to disposition of animals found to have been cruelly treated; repealing Articles 183, 184, 185, 187, 188, and 189, Revised Civil Statutes of Texas, 1925; and declaring an emergency. (With amendment)

**S.B. 516**, A bill to be entitled An act relating to energy conservation in certain buildings; adding Subdivision 35 to Article 1175, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency. (With amendment)

**S.B. 72**, A bill to be entitled An Act making a supplemental appropriation to the State Board of Control; and declaring an emergency. (Passed, subject to Sec. 49a, Article III, Constitution of Texas)

**S.B. 15**, A bill to be entitled An Act amending certain sections of the Securities Act, Senate Bill 294, Chapter 269, Acts of the 55th Legislature, Regular Session, 1957, as amended, and codified as Articles 581-1 to 581-39, Vernon's Texas Civil Statutes, by adding a new Subsection 5 to Section 5 to provide an exemption for certain transactions of sales of certain securities options in certain circumstances; by adding a new Section 28-1 relating to the making or adopting of rules and regulations by the State Securities Board and procedures therefor; by amending Section 34 relating to actions for commissions by persons not registered as securities dealers; by adding a new Section 25-1 relating to receiverships of persons or assets of persons acting as securities dealers; and declaring an emergency.

**H.B. 1367**, A bill to be entitled An Act relating to changing the name of Midwestern University to Midwestern State University; amending the title of Chapter 103 and Section 103.01, Texas Education Code; providing an effective date; and declaring an emergency.

**S.B. 362** by Harris failed to pass to third reading by a record vote of 26 Ayes, 112 Nays, Present-Not voting 2. The motion to reconsider the vote by which **S.B. 362** failed to pass to third reading and to table the motion to reconsider prevailed by a non-record vote.

Respectfully submitted,  
DOROTHY HALLMAN  
Chief Clerk, House of Representatives

**CO-AUTHOR OF SENATE BILL 596**

On motion of Senator Williams and by unanimous consent, Senator Ogg will be shown as Co-author of **S.B. 596**.

**HOUSE BILL 497 ON SECOND READING**

The President laid before the Senate on its second reading and passage to third reading:

**H.B. 497**, A bill to be entitled An Act relating to eminent domain power of drainage districts; amending Subsection (a), Section 56.119, Water Code; and declaring an emergency.

The bill was read second time and was passed to third reading.

**HOUSE BILL 497 ON THIRD READING**

Senator Longoria moved that Senate Rule 68 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 497** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKnight.

**HOUSE BILL 526 ON SECOND READING**

The President laid before the Senate on its second reading and passage to third reading:

**H.B. 526**, A bill to be entitled An Act relating to the power of certain cities to acquire, construct, improve and equip any property for purposes of treating and conveying waste, etc.; and declaring an emergency.

The bill was read second time.

Senator Ogg offered the following Committee Amendment to the bill:

Amend **H.B. 526** by adding a new Section 4(e) to read as follows:

"Section 4(e). An eligible city shall not acquire or construct any such Project or Projects with the proceeds of bonds, notes or other evidences of indebtedness the interest on which is exempt from federal income taxation by virtue of Section 103(c)(4) of the Internal Revenue Code of 1954, as heretofore or hereafter amended, unless (1) such Project is operated by an eligible city or a political subdivision of the State of Texas on behalf of such eligible city or, (2) such Project provides pretreatment for waste which is then discharged into a Project operated by an eligible city or a political subdivision on behalf of such city."

The Committee Amendment was read and was adopted.

On motion of Senator Ogg and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

#### HOUSE BILL 526 ON THIRD READING

Senator Ogg moved that Senate Rule 68 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 526** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed.

#### HOUSE BILL 611 POSTPONED

On motion of Senator Schwartz and by unanimous consent, consideration of **H.B. 611** was postponed.

#### HOUSE BILL 191 POSTPONED

On motion of Senator Braecklein and by unanimous consent, consideration of **H.B. 191** was postponed until the next Local and Uncontested Bills Calendar.

#### HOUSE BILL 696 POSTPONED

On motion of Senator Farabee and by unanimous consent, consideration of **H.B. 696** was postponed.

**HOUSE BILL 226 ON SECOND READING**

The President laid before the Senate on its second reading and passage to third reading:

**H.B. 226**, A bill to be entitled An Act relating to county school administration; prohibiting state support for county school administrative offices after a date certain and expanding authority for local support of the administration; transferring certain powers, duties, records, and funds of certain county school administrative offices; reclassifying certain school districts under the supervision of county school administrative offices; amending Chapter 17, Texas Education Code, by adding Subchapter G; and declaring an emergency.

The bill was read second time.

Senator Harrington offered the following Committee Amendment to the bill:

Amend **H.B. 226**, as follows:

(1) On page 1, line 5, between the words "transferring" and "certain" insert the following:

"in counties that contain no common school districts, rural high school districts, or independent districts with less than one hundred fifty (150) A.D.A.:"

The amendment was read.

Question - Shall the amendment be adopted?

**HOUSE BILL 226 POSTPONED**

On motion of Senator Harrington and by unanimous consent, consideration of **H.B. 226** was postponed.

**BILL SIGNED**

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bill:

**H.B. 768****EXECUTIVE SESSION**

The President announced that the time had arrived for an Executive Session of the Senate. (Senator McKinnon having given notice on yesterday).

Senator Mauzy moved that Senate Rule 41 be suspended in order to consider nominations scheduled for today in open session.

The motion was lost by the following vote: Yeas 13, Nays 17.

Yeas: Aikin, Braecklein, Brooks, Clower, Doggett, Gammage, Hance, Harrington, Longoria, Mauzy, Patman, Schwartz and Sherman.

Nays: Adams, Andujar, Creighton, Farabee, Harris, Jones, Kothmann, Lombardino, McKinnon, Meier, Mengden, Moore, Ogg, Santiesteban, Snelson, Traeger and Williams.

Absent-excused: McKnight.

Accordingly, the President at 11:00 o'clock a.m. directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the Executive Session, the President called the Senate to order As In Legislative Session at 11:12 o'clock a.m. today.

Senator McKinnon moved confirmation of the nominees reported by the Committee on State Affairs, Sub-Committee on Nominations and considered in Executive Session.

The President asked if there were motions to sever nominees.

There were no motions offered.

The following nominees were then confirmed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKnight.

#### NOMINEES CONFIRMED

Members, Texas Board of Corrections: For a six-year term to expire February 15, 1977: Mr. Joe LaMantia of McAllen, Hidalgo County is replacing Mr. Walter Mischer of Houston who resigned.

For a six-year term to expire February 15, 1981: Mr. Lester Boyd of Vernon, Wilbarger County is being reappointed; Mr. James Marvin Windham of Livingston, Polk County is being reappointed; Mr. Ruben R. Montemayor of San Antonio, Bexar County is replacing Mr. Leslie H. True of Austin whose term expired.

State Auditor of Texas: For a two-year term to expire February 15, 1977: George W. McNiel of Austin, Travis County is being reappointed.

Members, Texas Animal Health Commission: For a six-year term to expire September 6, 1979: Mr. Edward Porter Halbert of San Augustine, San Augustine County is being reappointed; Mr. J. R. Taylor of Amarillo, Potter County is being appointed pursuant to House Bill 645, 63rd Legislature, Regular Session.

For a four-year term to expire September 6, 1977: Mr. John Biggs of Vernon, Wilbarger County is being appointed pursuant to House Bill 645, 63rd Legislature, Regular Session.

For a two-year term to expire September 6, 1975: Mr. Charles Koontz of Olton, Lamb County is being appointed pursuant to House Bill 645, 63rd Legislature, Regular Session.

Member, Board of Regents of East Texas State University: For a six-year term to expire February 15, 1977: Mr. Cloyd D. Young of Dallas, Dallas County is replacing Mr. E. G. Pharr of Lubbock who is deceased.

Members, Board of Regents of North Texas State University: For a term from December 18, 1973 to January 29, 1975: Mr. E. E. Stuessy of Austin, Travis County is replacing Mr. C. Dean Davis of Austin whose term expired.

For a six-year term to expire May 22, 1979: Mr. Kenneth May of Lubbock, Lubbock County is replacing Mr. Ernest Schur of Odessa, Ector County whose term expired.

Members, Board of Regents of Texas Woman's University: For a six-year term to expire January 10, 1975: Mrs. Carl L. Estes of Longview, Gregg County is replacing Mrs. E. L. Green of Pampa who resigned.

For a six-year term to expire January 10, 1977: Mrs. Sam Waldrop of Abilene, Taylor County is replacing Mr. Reagan Houston, III of San Antonio who resigned.

For a six-year term to expire January 10, 1979: Mrs. Ben Carpenter of Irving, Dallas County is replacing Mrs. Nelda C. Stark of Orange who resigned.

For a six-year term to expire January 10, 1981: Mrs. Carl L. Estes of Longview, Gregg County is being reappointed.

Member, Board of Regents of West Texas State University: For a six-year term to expire August 31, 1979: Dr. Irby B. Carruth of Austin, Travis County is being reappointed.

#### REPORT OF STANDING COMMITTEE

By unanimous consent Senator McKinnon for the Committee on State Affairs, Sub-Committee on Nominations, submitted the following report:

Grant the request of the Governor to withdraw the nomination of Dr. H. R. Gaddy, to be a Member of the State Board of Vocational Nurse Examiners.

#### COMMUNICATION TO GOVERNOR

April 16, 1975

The Honorable Dolph Briscoe  
Governor of Texas  
Austin, Texas

Dear Governor Briscoe:

Pursuant to your request of April 9, 1975, the Senate is hereby returning the appointment of Dr. H. R. Gaddy, Jr., to be a member of the State Board of Vocational Nurse Examiners.

Sincerely yours,  
CHARLES A. SCHNABEL  
Secretary of the Senate

#### HOUSE BILL 493 ON SECOND READING

The President laid before the Senate on its second reading and passage to third reading:

**H.B. 493**, A bill to be entitled An Act relating to annual reports on statewide needs in the field of higher education; amending Section 51.066, Texas Education Code; and declaring an emergency.

The bill was read second time and was passed to third reading.

#### RECORD OF VOTE

Senator Aikin asked to be recorded as voting "Nay" on the passage of the bill to third reading.

#### HOUSE BILL 493 ON THIRD READING

Senator Gammage moved that Senate Rule 68 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 493** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Adams, Andujar, Braecklein, Brooks, Clower, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Lombardino, Longoria, Mauzy, Meier, Mengden, Ogg, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Aikin, Creighton, Kothmann, McKinnon, Moore and Patman.

Absent-excused: McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed.

#### RECORD OF VOTES

Senators Aikin, Creighton and McKinnon asked to be recorded as voting "Nay" on the final passage of the bill.

#### HOUSE BILL 528 POSTPONED

On motion of Senator Mauzy and by unanimous consent, consideration of **H.B. 528** was postponed until Wednesday, April 23, 1975.

#### HOUSE BILL 409 ON SECOND READING

The President laid before the Senate on its second reading and passage to third reading:

**H.B. 409**, A bill to be entitled An Act relating to interest rates on judgments of the courts of this state; amending Article 1.05, Title 79, Revised Civil Statutes of Texas, 1925, as amended (Article 5069-1.05, Vernon's Texas Civil Statutes); and declaring an emergency.

The bill was read second time.

Senator Mauzy offered the following Committee Amendment to the bill:

Amend the second paragraph of Section 1 of House Bill 409 by striking the same and inserting in lieu thereof the following:

"Article 1.05. RATE ON JUDGMENTS. All judgments of the courts of this state shall bear interest at the following rates from and after the date of the judgment.

"a. Judgments of \$20,000.00 or less shall bear interest at the rate of ten per cent per annum.

"b. Judgments in excess of \$20,000.00 shall bear interest at the rate of eight per cent per annum except that such judgments which are on appeal in an appellate court of this state for a period in excess of nine months duration shall bear interest at the rate of six per cent per annum."

The Committee Amendment was read and was adopted.

On motion of Senator Mauzy and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

#### **HOUSE BILL 409 ON THIRD READING**

Senator Mauzy moved that Senate Rule 68 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 409** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed.

#### **SENATE BILL 609 ON SECOND READING**

On motion of Senator McKinnon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 609**, A bill to be entitled An Act making a supplemental appropriation to Texas A&I University in Kingsville; and declaring an emergency.

The bill was read second time and was passed to engrossment.

#### **SENATE BILL 609 ON THIRD READING**

Senator McKinnon moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 609** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Gammage, Hance, Harrington, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Absent-excused: McKnight.

#### SENATE JOINT RESOLUTION 49 ON SECOND READING

Senator Sherman asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**S.J.R. 49**, Proposing a constitutional amendment to increase to \$800 million the amount of Texas Water Development Bonds that may be issued and outstanding by the Texas Water Development Board on approval of a two-thirds vote of each House of the Legislature, consolidating the provisions of Article III, Sections 49-c and 49-d, of the Texas Constitution, and repealing Article III, Section 49-d, of the Texas Constitution.

There was objection.

Senator Sherman then moved to suspend the regular order of business and take up **S.J.R. 49** for consideration at this time.

The motion prevailed by the following vote: Yeas 23, Nays 7.

Yeas: Aikin, Andujar, Brooks, Creighton, Farabee, Gammage, Hance, Harrington, Jones, Kothmann, Lombardino, Longoria, McKinnon, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Adams, Braecklein, Clower, Doggett, Harris, Mauzy and Mengden.

Absent-excused: McKnight.

The President laid the resolution before the Senate on its second reading and passage to engrossment.

The resolution was read second time.

Senator Adams offered the following amendment to the resolution:

Amend **S.J.R. 49**, Section 1, Section 49-C, Subsection (1), by deleting the second sentence of said Subsection (1) and inserting in lieu thereof the following: "Any

money received in excess of such requirements shall be deposited to the General Revenue Fund of the State Treasury for use as prescribed by law."

The amendment was read and was adopted.

The resolution as amended was passed to engrossment by the following vote: Yeas 23, Nays 7.

Yeas: Aikin, Andujar, Brooks, Creighton, Farabee, Gammage, Hance, Harrington, Jones, Kothmann, Lombardino, Longoria, McKinnon, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Adams, Braecklein, Clower, Doggett, Harris, Mauzy and Mengden.

Absent-excused: McKnight.

#### **SENATE JOINT RESOLUTION 49 ON THIRD READING**

Senator Sherman moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.J.R. 49 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Adams, Aikin, Andujar, Brooks, Creighton, Farabee, Gammage, Hance, Harrington, Jones, Kothmann, Lombardino, Longoria, McKinnon, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Braecklein, Clower, Doggett, Harris, Mauzy and Mengden.

Absent-excused: McKnight.

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote: Yeas 23, Nays 7.

Yeas: Aikin, Andujar, Brooks, Creighton, Farabee, Gammage, Hance, Harrington, Jones, Kothmann, Lombardino, Longoria, McKinnon, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Adams, Braecklein, Clower, Doggett, Harris, Mauzy and Mengden.

Absent-excused: McKnight.

#### **SENATE BILL 636 ON SECOND READING**

On motion of Senator Sherman and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**S.B. 636**, A bill to be entitled An Act relating to the issuance of additional amounts of Texas Water Development Bonds; amending Section 11.141, Water Code, as amended; and declaring an emergency.

The bill was read second time and was passed to engrossment.

#### RECORD OF VOTES

Senators Mauzy, Adams and Doggett asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### SENATE BILL 636 ON THIRD READING

Senator Sherman moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 636** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Aikin, Andujar, Braecklein, Brooks, Creighton, Farabee, Gammage, Hance, Harrington, Jones, Kothmann, Lombardino, Longoria, McKinnon, Meier, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger and Williams.

Nays: Adams, Clower, Doggett, Harris, Mauzy and Mengden.

Absent-excused: McKnight.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### RECORD OF VOTES

Senators Adams, Mauzy, Doggett and Mengden asked to be recorded as voting "Nay" on the final passage of the bill.

#### MOTION TO PLACE SENATE BILL 834 ON SECOND READING

Senator Moore moved to suspend the regular order of business to take up for consideration at this time:

**S.B. 834**, A bill to be entitled An Act relating to the licensing, accreditation, certification, and registration of certain child care facilities, educational institutions, child-placing agencies, and family homes by the Department of Public Welfare or the Texas Education Agency; establishing an Advisory Council; providing sanctions and penalties; repealing Section 8(a), The Public Welfare Act of 1941, as amended (Article 695c, Vernon's Texas Civil Statutes); and declaring an emergency.

The motion was lost by the following vote: Yeas 11, Nays 19.

Yeas: Brooks, Doggett, Gammage, Hance, Harrington, Moore, Ogg, Santiesteban, Schwartz, Snelson and Traeger.

Nays: Adams, Aikin, Andujar, Braecklein, Clower, Creighton, Farabee, Harris, Jones, Kothmann, Lombardino, Longoria, Mauzy, McKinnon, Meier, Mengden, Patman, Sherman and Williams.

Absent-excused: McKnight.

**SENATE BILL 834 LAID ON TABLE SUBJECT TO CALL**

Senator Moore moved that **S.B. 834** be Laid on Table Subject to Call.

The motion prevailed.

**MOTION TO PLACE  
COMMITTEE SUBSTITUTE SENATE BILL 397 ON SECOND READING**

Senator Doggett moved to suspend the regular order of business to take up for consideration at this time:

**C.S.S.B. 397**, A bill to be entitled An Act revising the Texas Mobile Homes Standards Act, Chapter 656, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 5221f, Vernon's Texas Civil Statutes); and declaring an emergency.

The motion was lost by the following vote (Not receiving two-thirds vote of the Members present): Yeas 17, Nays 11.

Yeas: Adams, Braecklein, Brooks, Clower, Doggett, Gammage, Hance, Harrington, Harris, Lombardino, Longoria, Mauzy, Patman, Schwartz, Sherman, Snelson and Williams.

Nays: Aikin, Andujar, Creighton, Farabee, Jones, Kothmann, Meier, Mengden, Moore, Santiesteban and Traeger.

Absent: McKinnon and Ogg.

Absent-excused: McKnight.

**MESSAGE FROM THE HOUSE**

Hall of the House of Representatives  
Austin, Texas, April 17, 1975

Honorable William P. Hobby  
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

Pursuant to Joint Rule 7, the Senate is advised the House tabled:

**H.B. 1018**, A bill to be entitled An Act relating to allowing employers and labor unions to contract to require nonunion employees to pay certain fees; amending Section 1, Chapter 387, Acts of the 54th Legislature, Regular Session, 1955 (Article 5154g, Vernon's Texas Civil Statutes); amending Section 3 Chapter 74, Acts of the 50th Legislature, Regular Session, 1947 (Article 5207a, Vernon's Texas Civil Statutes); amending Subsection (b), Section 15.03, Business & Commerce Code; repealing Section 8a, Chapter 104, Acts of the 48th Legislature, Regular Session, 1943 (Article 5154a, Vernon's Texas Civil Statutes); and declaring an emergency. By record vote of 96 ayes, 37 noes, and 2 Present-Not voting.

Respectfully submitted,  
DOROTHY HALLMAN  
Chief Clerk, House of Representatives

#### HOUSE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution received from the House, were read the first time and referred to the Committees indicated:

H.B. 1367, To Committee on Education.  
H.B. 827, To Committee on Intergovernmental Relations.  
H.B. 589, To Committee on Jurisprudence.  
H.B. 1350, To Committee on Economic Development.  
H.B. 393, To Committee on State Affairs.  
H.B. 917, To Committee on Jurisprudence.  
H.B. 292, To Committee on Natural Resources.  
H.B. 1219, To Committee on Economic Development.  
H.C.R. 90, To Committee on Administration.

#### NOTICES OF INTENT

The following Notices of Intent were filed with the Secretary of the Senate:

Monday, April 21, 1975

S.C.R. 38 - Senator Traeger  
C.S.S.B. 69 - Senator Moore  
S.B. 96 - Senator Ogg  
C.S.S.B. 108 - Senator Schwartz  
C.S.S.B. 109 - Senator Mauzy  
C.S.S.B. 110 - Senator Mauzy  
S.B. 131 - Senator Meier  
S.B. 154 - Senator Jones  
S.B. 155 - Senator Jones  
S.B. 196 - Senator Santiesteban (Third reading)  
S.B. 228 - Senator Moore  
C.S.S.B. 244 - Senator Ogg  
C.S.S.B. 250 - Senator Mauzy  
S.B. 257 - Senator Mauzy  
C.S.S.B. 262 - Senator Doggett  
C.S.S.B. 270 - Senator Doggett  
S.B. 309 - Senator Snelson  
S.B. 369 - Senator Mauzy  
C.S.S.B. 386 - Senator Schwartz  
C.S.S.B. 397 - Senator Doggett  
S.B. 401 - Senator Lombardino  
S.B. 405 - Senator Sherman  
S.B. 422 - Senator Meier  
S.B. 423 - Senator Harris  
S.B. 436 - Senator Schwartz (Third reading)  
S.B. 467 - Senator Harris  
S.B. 485 - Senator Farabee  
S.B. 496 - Senator Mauzy  
S.B. 520 - Senator Mauzy  
S.B. 571 - Senator Ogg